



Practitioner's Docket No. 0055.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

On re prior application of: Ernest G. Schutt et al.

Application No.: 09/218,213

Group No.: 1615

Filed: December 22, 1998

Examiner: Susan Tran

For: STABILIZED PREPARATIONS FOR USE IN NEBULIZERS

Mail Stop CPA

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CONTINUED PROSECUTION APPLICATION (CPA)

(37 C.F.R. § 1.53(d))

1. This is a request for a filing of a continuation continued prosecution application under 37 C.F.R. § 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

2. With respect to the above identified prior nonprovisional application, this continued prosecution application is being filed before the payment of the issue fee on the prior application. (37 C.F.R. § 1.53(d)(1)(ii)(A)).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 1/21/04

Kathy Honnert
Signature

Kathy Honnert
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

The term for response or taking action in the prior application expires on January 21, 2004.

3. It is noted that:

- * This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).
- * Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).
- * Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request and that no amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors, the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.

5. Attached hereto is an amendment to the prior application as it existed prior to the filing of this continuation prosecution application.

6. **Fee Calculation**

Regular Application

CLAIMS AS FILED			
Number filed 37 C.F.R. § 1.16(a)	Number Extra	Rate	Basic Fee
			\$770.00
Total Claims (37 C.F.R. § 1.16(c))	22 - 20 = 2	x \$18.00 =	\$36.00
Independent Claims (37 C.F.R. § 1.16(b))	2 - 3 = 0	x \$86.00 =	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))	+ \$290.00	\$0.00	
Filing Fee Calculation			\$806.00

7. Fee Payment Being Made at This Time

Enclosed

Filing Fee	\$806.00
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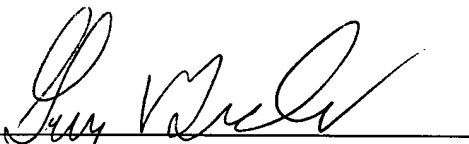
Total Fees Enclosed	\$806.00
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8. Method of Payment of Fees

Authorization is hereby made to charge the amount of \$806.00 to Deposit Account No. 500348

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this request is attached.


Signature of Practitioner

Reg. No.: 45,302
Tel. No.: 650-620-5501
Customer No.: 21968

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